

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IRINA KRYLOVA,

Plaintiff(s),

v.

GENENTECH INC.,

Defendant(s).

No. C 12-4120 PJH

ORDER RE MOTION TO DISMISS

The court is in receipt of a letter filed today by Richard M. Rogers, counsel for plaintiff Irina Krylova in the above-captioned matter. The letter states that plaintiff has filed a first amended complaint "pursuant to written agreement," and that "[t]he parties assume that the motion to dismiss will be dropped from the November 28, 2012 calendar." See Dkt. 24. However, because plaintiff may no longer file an amended complaint as a matter of course under Rule 15(a), plaintiff must file a stipulation containing "the opposing party's written consent" to file the amended complaint. Until such a stipulation is filed, plaintiff's amended complaint will not be accepted. Further, in order to vacate the November 28 hearing, defendant Genentech Inc. must file a notice of withdrawal of its motion to dismiss. Plaintiff has until 5 p.m. today to submit a stipulation to file an amended complaint, and defendant has until 5 p.m. today to file a notice of withdrawal of its motion to dismiss. If defendant's motion is not properly withdrawn, both parties are ordered to appear at the previously-noticed hearing.

IT IS SO ORDERED.

Dated: November 27, 2012



PHYLLIS J. HAMILTON
United States District Judge